

Appn. No. 10/709,531
Docket No. 41PR-124392/GEN-0178-P

REMARKS / ARGUMENTS

Applicant has elected the species of Embodiment 2, directed to the invention illustrated by Figure 7, with traverse, and submits that Claims 1-2, 4-12, and 14-22, each read on Embodiment 2.

Applicant respectfully traverses the Election / Restriction requirement for the following reasons.

The Examiner alleges that Embodiment 1, Figures 1-6, and Embodiment 2, Figure 7, are directed to patentably distinct species, and that none of the claims are generic.

In respectful disagreement with the Examiner, Applicant submits that independent Claims 1, 11 and 18 each read on both Embodiment 1 and Embodiment 2, and are therefore generic.

Additionally, Applicant respectfully submits that Figures 1-3 illustrate common detail shared by Embodiment 1 and Embodiment 2, such as a circuit breaker with a cassette, that Figures 4-6 are illustrative of a first embodiment of the invention, and that Figure 7 is illustrative of a second alternative embodiment of the invention. Accordingly, Embodiment 1 is more properly directed to the invention illustrated by Figures 1-3 and 4-6, and Embodiment 2 is more properly directed to the invention illustrated by Figures 1-3 and 7. In view of the regrouping of the figures, Applicant submits that independent Claims 1, 11 and 18, each read on Figures 1-3 and 4-6, and on Figures 1-3 and 7. As such, Applicant submits that Embodiments 1 and 2 are alternative embodiments of the same invention.

Regarding independent Claim 1, the claimed invention reads on Embodiments 1 and 2 as follows:

1. A circuit breaker (10) comprising:
 - a set of electrical contacts (54, 56, 58, 60);
 - a first actuator (68, 240) in fluid communication with the set of electrical contacts (54, 56, 58, 60);

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a second actuator (70, 220) in operable communication with the first actuator (68, 240); and

an operating mechanism (26) in operable communication with the set of electrical contacts (54, 56, 58, 60) and the second actuator (70, 220);

wherein pressurized gas created by separation of the set of electrical contacts (54, 56, 58, 60) acts on and drives the first actuator (68, 240), which acts on and drives the second actuator (70, 220), which effectuates tripping of the operating mechanism (26).

Regarding independent Claim 11, the claimed invention reads on Embodiments 1 and 2 as follows:

11. A circuit breaker (10) comprising:

a first set of electrical contacts (54, 56, 58, 60);

a second set of electrical contacts (54, 56, 58, 60); and

means for separating (68, 70, 240, 220) the second set of electrical contacts (54, 56, 58, 60) in response to a predetermined level of pressurized gas created by separation of the first set of electrical contacts (54, 56, 58, 60);

wherein the means for separating (68, 70, 240, 220) further comprises means for separating the first and the second set of electrical contacts (54, 56, 58, 60) in response to the means for separating being mechanically actuated (200).

Regarding independent Claim 18, the claimed invention reads on Embodiments 1 and 2 as follows:

18. A circuit breaker (10) comprising:

a base (18) and a cover (14);

a separable conduction path (62) disposed within the base (18) and the cover (14);

an operating mechanism (26) disposed within the base (18) and the cover (14) and in operable communication with the separable conduction path (62);

a first actuator (68, 240) in fluid communication with the separable conduction path (62); and

a second actuator (70, 220) in operable communication with and between the first actuator (68, 240) and the operating mechanism (26);

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wherein pressurized gas created by separation of the separable conduction path (62) acts on and drives the first actuator (68, 240), which acts on and drives the second actuator (70, 220), which effectuates tripping of the operating mechanism (26).

In view of independent Claims 1, 11 and 18 being independent and reading on Embodiments 1 and 2, and Figures 1-3 being illustrative of common detail associated with alternative embodiments of the claimed invention, Applicant respectfully submits that a restriction of the species identified as Embodiment 1, Figures 1-6, and Embodiment 2, Figure 7, for examination purposes is improper.

For at least this reason, this Restriction Requirement is wholeheartedly traversed, and removal of the Requirement, at least with respect to the improper groupings noted above, is respectfully requested.

Consideration and allowance of these claims are respectfully requested. The foregoing is believed to be fully responsive to this office action.

If there are any charges with respect to this amendment, or otherwise, please charge them to Deposit Account No. 06-1130 maintained by applicant's attorneys.

Respectfully submitted,
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